

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 456 be amended to read as follows:

- 1 Page 2, between lines 15 and 16, begin a new paragraph and insert:
2 "SECTION 2. IC 13-11-2-158 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 158. (a) "Person", for
4 purposes of:
5 (1) IC 13-21;
6 (2) air pollution control laws;
7 (3) water pollution control laws; and
8 (4) environmental management laws, except as provided in
9 subsections (c), (d), (e), and (h);
10 means an individual, a partnership, a copartnership, a firm, a company,
11 a corporation, an association, a joint stock company, a trust, an estate,
12 a municipal corporation, a city, a school city, a town, a school town, a
13 school district, a school corporation, a county, any consolidated unit of
14 government, political subdivision, state agency, a contractor, or any
15 other legal entity.
16 (b) "Person", for purposes of:
17 (1) IC 13-18-10; and
18 (2) IC 13-20-17;
19 means an individual, a partnership, a copartnership, a firm, a company,
20 a corporation, an association, a joint stock company, a trust, an estate,
21 a political subdivision, a state agency, or other legal entity, or their
22 legal representative, agent, or assigns.
23 (c) "Person", for purposes of:
24 (1) IC 13-20-13;

(2) IC 13-20-14;

(3) IC 13-20-16; and

(4) IC 13-25-6;

means an individual, a corporation, a limited liability company, a partnership, or an unincorporated association.

(d) "Person", for purposes of IC 13-23, has the meaning set forth in subsection (a). The term includes a consortium, a joint venture, a commercial entity, and the United States government.

(e) "Person", for purposes of **IC 13-24-3** and IC 13-25-3, means an individual, a corporation, a limited liability company, a partnership, a trust, an estate, or an unincorporated association.

(f) "Person", for purposes of IC 13-26, means an individual, a firm, a partnership, an association, a limited liability company, or a corporation other than an eligible entity.

(g) "Person", for purposes of IC 13-29-1, means any individual, corporation, business enterprise, or other legal entity either public or private and any legal successor, representative, agent, or agency of that individual, corporation, business enterprise, or legal entity.

(h) "Person", for purposes of:

(1) IC 13-30-6-6;

(2) IC 13-30-6-7; and

(3) IC 13-30-8-1;

has the meaning set forth in IC 35-41-1.

SECTION 3. IC 13-11-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 160. "Petroleum", for purposes of:

(1) IC 13-23;

(2) IC 13-24-1; ~~and~~

(3) IC 13-24-3; and

(3) IC 13-25-5;

includes petroleum and crude oil or any part of petroleum or crude oil that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit (60°F)) and fourteen and seven-tenths (14.7) pounds per square inch absolute).

SECTION 4. IC 13-24-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 3. Regulation of Petroleum Oxygenates

Sec. 1. As used in this chapter "person" has the meaning set forth in IC 13-11-2-158(e).

Sec. 2. As used in this chapter, "petroleum" has the meaning set forth in IC 13-11-2-160.

Sec. 3. After July 1, 2004, a person may not sell petroleum and petroleum products in Indiana that contain methyl tertiary-butyl ether.

Sec. 4. A person that violates section 3 of this chapter shall be

1 **assessed a civil penalty as described in IC 13-30-4-2.5.**

2 SECTION 5. IC 13-30-3-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The commissioner
4 or a designated member of the staff of the department may initiate an
5 investigation on receipt of information of an alleged violation of any of
6 the following:

7 (1) Environmental management laws.

8 (2) Air pollution control laws.

9 (3) Water pollution control laws.

10 (4) **IC 13-24-3.**

11 ~~(5)~~ IC 36-9-30-35.

12 ~~(5)~~ (6) A rule or standard adopted under the following:

13 (A) Environmental management laws.

14 (B) Air pollution control laws.

15 (C) Water pollution control laws.

16 SECTION 6. IC 13-30-4-1 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Subject to
18 IC 13-14-6 and except as provided in IC 13-23-14-2, ~~and~~
19 IC 13-23-14-3, **and IC 13-24-3-4**, a person who violates:

20 (1) any provision of:

21 (A) environmental management laws;

22 (B) air pollution control laws;

23 (C) water pollution control laws;

24 (D) IC 13-18-14-1; or

25 (E) a rule or standard adopted by one (1) of the boards; or

26 (2) any determination, permit, or order made or issued by the
27 commissioner under:

28 (A) environmental management laws or IC 13-7 (before its
29 repeal);

30 (B) air pollution control laws or IC 13-1-1 (before its repeal);

31 or

32 (C) water pollution control laws or IC 13-1-3 (before its
33 repeal);

34 is liable for a civil penalty not to exceed twenty-five thousand dollars
35 (\$25,000) per day of any violation.

36 (b) The department may:

37 (1) recover the civil penalty described in subsection (a) in a civil
38 action commenced in any court with jurisdiction; and

39 (2) request in the action that the person be enjoined from
40 continuing the violation.

41 SECTION 7. IC 13-30-4-2 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Subject to
43 IC 13-14-6 and except as provided in IC 13-23-14-2, ~~and~~
44 IC 13-23-14-3, **and IC 13-24-3-4**, a person who:

45 (1) is named in or directed by an emergency order under
46 IC 13-14-10-1; and

(2) violates the order;
is liable for an additional civil penalty not to exceed five hundred dollars (\$500) per hour of violation.

(b) The additional civil penalty described in subsection (a) shall be assessed in an action brought by the commissioner in any court with jurisdiction.

SECTION 8. IC 13-30-4-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.5. (a) Subject to IC 13-14-6, a person that violates IC 13-24-3 is liable for a civil penalty as follows:**

(1) One hundred thousand dollars (\$100,000) for an initial violation.

(2) One hundred thousand dollars (\$100,000) for each thirty (30) day period after the initial violation that the seller continues to be in violation IC 13-24-3.

(b) The department may:

(1) recover the civil penalty described in subsection (a) in a civil action commenced in any court that has jurisdiction; and

(2) request in the action that the person be enjoined from continuing the violation.

(c) A civil penalty collected under this section shall be deposited in the ethanol promotion fund established by IC 15-4-13-1."

Page 6, between lines 19 and 20 begin a new line block indented and insert:

"(13) Authorize the expenditure of funds from the ethanol promotion fund established by IC 15-4-13-1."

Page 6, line 25, delete ".".

Page 6, line 26, after "purchasers." insert **"and amounts deposited in the ethanol promotion fund under IC 15-4-13."**

Page 6, line 28, strike "and".

Page 6, line 28, after "grants," insert **"and amounts deposited in the ethanol promotion fund under IC 15-4-13,"**.

Page 6, line 30, after "assessments" insert **", amounts deposited in the ethanol promotion fund under IC 15-4-13,"**.

Page 6, line 34, after "chapter" insert **"or deposited in the ethanol promotion fund under IC 15-4-13."**

Page 6, line 35, delete "." and insert **"and IC 15-4-13."**

Page 9, between lines 23 and 24, begin a new paragraph and insert:
"SECTION 21. IC 15-4-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 13. Ethanol Promotion Fund

Sec. 1. The ethanol promotion fund is established for the purpose of promoting the use of ethanol and ethanol products in Indiana.

Sec. 2. The Indiana corn marketing council established by

1 **IC 15-4-10-12 shall administer the fund.**

2 **Sec. 3. The expenses of the fund shall be paid from money in the**
3 **fund.**

4 **Sec. 4. The treasurer of the state shall invest money in the fund**
5 **not currently needed to meet the obligation of the fund in the same**
6 **manner as other public money may be invested.**

7 **Sec. 5. Money in the fund at the end of a state fiscal year does**
8 **not revert to the state general fund."**

9 Renumber all SECTIONS consecutively.

(Reference is to ESB 456 as printed March 28, 2001.)

Representative Friend